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CITY AND COUNTY OF HONOLULU

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

GERARD K. PUANA, and RICKY L.  
HARTSELL, as Trustee of the Florence  
M. Puana Trust,

Plaintiffs,

vs.

KATHERINE P. KEALOHA, LOUIS M.  
KEALOHA, DONNA LEONG, MINH-  
HUNG "BOBBY" NGUYEN, DANIEL  
SELLERS, DEREK WAYNE HAHN,  
NIAL SILVA, WALTER CALISTRO,  
DRU AKAGI, JOHN and/or JANE  
DOES 1-50,

Defendants.

CIVIL NO. CV16-00659 LEK/WRP

JOINT REPORT OF PARTIES'  
PLANNING MEETING; CERTIFICATE  
OF SERVICE

Trial Date: January 25, 2022

JOINT REPORT OF PARTIES' PLANNING MEETING

This Joint Report of Parties’ Planning meeting is submitted by Plaintiffs GERARD PUANA and RICKY L. HARTSELL, as Trustee of the Florence M. Puana Trust, (“*Plaintiffs*”) and Defendants CITY AND COUNTY OF HONOLULU (“*City*”), MINH-HUNG “BOBBY” NGUYEN, DANIEL SELLERS, NIAL SILVA, WALTER CALISTRO, and DRU AKAGI (collectively, “*Defendants*”) pursuant to Federal Rules of Civil Procedure (“*FRCP*”) 16 and 26(f), and Local Rule of Practice of the United States District Court for the District of Hawaii (“*LR*”) 26.1(d).

Although submitted by the City, this report has been reviewed and approved by Plaintiffs’ counsel and Defendants or Defendants’ counsel and constitutes a joint report of the matters that were covered during the parties’ conference.

## I. MEETING

A conference was held on Wednesday, May 12, 2021, at 10:00 a.m. Jonathan Loo appeared on behalf of Plaintiffs, Audrey L.E. Stanley and Stephen D. Atwell appeared on behalf of the City, Defendant Daniel Sellers appeared, Megan Coburn appeared on behalf of Defendant Calistro, Jerold Matayoshi appeared on behalf of Defendant Akagi, and Megan Kau, on behalf of Defendant Nguyen, and William Harrison, on behalf of Defendant Silva, waived appearing at the conference.

## II. PRE-DISCOVERY DISCLOSURES

Plaintiffs and Defendants agreed that Initial Disclosures shall be made by June 4, 2021.

III. DISCOVERY PLAN

Plaintiffs and Defendants agree to the following with respect to a discovery plan:

- a. Discovery will be conducted on all issues, including liability and damages.
- b. The Court set the November 26, 2021 discovery deadline.
- c. Defendants and Plaintiffs do not see a need to modify the limit on the number of interrogatories that may be propounded pursuant to Federal Rule of Civil Procedure 33 or Requests for Admission pursuant to Federal Rule of Civil Procedure 36.
- d. Responses to interrogatories and requests for admissions shall be due as required by Fed. R. Civ. P. 33 and 36.
- e. At this time the parties do not see a need to modify the time limit on depositions or number of deposition.
- f. The parties agree to preserve any electronically stored information.
- g. The parties may ask, at some point, the Court to sign a Stipulated Protective Order pursuant to Rule 26(c) that will be submitted to the

Court for review. The parties are aware of no other orders that should be issued at this point.

- h. The City may request that the Court extend deadlines, such as the expert report, dispositive motions, and trial date.
- i. Supplementations under Rule 26(e) shall be made as appropriate, pursuant to that rule.

#### IV. OTHER MATTERS

- a. All dispositive motions shall be filed by the date set by the Court and/or as otherwise provided in the Federal Rules of Civil Procedure.
- b. The parties remain open to settlement possibilities.
- c. During the Rule 26(f) conference, and as required by L.R. 26.1, the parties discussed alternative dispute resolution options including mediation. The parties also remain open to considering mediation of this case and may consider participating in a non-binding mediation at a later date if all parties agree.
- d. The parties agree to the deadlines set by the Court in the Scheduling Order, as amended.

DATED: Honolulu, Hawai'i, May 13, 2021.

DANA M.O. VIOLA  
Corporation Counsel Designate

By: /s/ Audrey L. E. Stanley  
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